

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

04 04 030

(B) FRED A. PATZKE
Josephine PATZKE

CASE FILED 4-26-04
 (for Commission use only)

(A) Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

X /
 YES NO

Has staff responded to your complaint?

X /
 YES NO

Did you appeal to the Consumer Affairs Manager?

X /
 YES NO

Do you have money on deposit with the Commission?

 / X / \$
 YES NO AMOUNT

Is your service now disconnected?

 / X
 YES NO

(Fill in Complainant (s) name)

vs.

(C) ARTHUR Emerson
Mitch Emerson

(Fill in each Defendant (s) name)

COMPLAINT

(D) The complaint of Fred & Josephine PATZKE
 (Insert exact legal name, mailing address and telephone number of each complainant)
13576 Calif. St Sp6 Yucaipa, CA 92399

respectfully shows that:

(E) 1. Defendant(s) ARTHUR Emerson 2121 Van Karajan Dr.
 (Insert full name and address of each defendant)
Rancho Palos Verdes, CA 90275- Mitch Emerson
13576 Calif St. Sp55 Yucaipa, CA 92399

(F.1) 2. Explain fully and clearly the details of your complaint. (Attach additional pages if necessary)

Valley Breeze is a Mastered Park. The Park is only partly individually Metered. The Gas Co will not deal with us until Park is 100% Metered. They insist it is up to Management. Management states they are not Responsible. We recently learned of Calif PUC Code Chap 4 Article 2 Section 739.5 Weights and Measures refused to Help and advised Mgt of their decision. Your L.A. Office advised this Chapter is enforceable and sent me these forms.

(F.2) 3. Scoping Information

(a) The proposed category for the Complaint is (check one):

☒ adjudicatory

☐ ratesetting (if the complaint challenges the reasonableness of a rate)

(b) Are hearings needed? YES NO

(c) The issues to be considered are:

The Park is in Violation of Cal PUC Section 739.5

(d) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: 30 to 40 days from the date of filing of the Complaint.

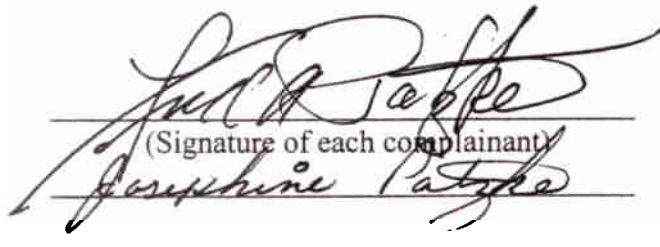
Hearing: 50 to 70 days from the date of filing of the Complaint.

Explain here if you propose a schedule different from the above guidelines.

(G) Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

We are enclosing Rent & Utility Bills for Jan. Feb & March 2004. These documents are proof that the Park is in violation of PUC Code Chap. 4 Article 2, Section 739.5. We believe the Park should comply with the above PUC Rule immediately. Further Charges we will up to the PUC leave

(H) Dated Jucupia, California, this 23 day of April, 20 04
(city) (date) (month) (year)


(Signature of each complainant)
Josephine Patzke

(Signature, address and telephone number of representative, if any)

VERIFICATION
(For Individuals or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(I) Executed on 4-23-04, at Juanaipa, California.
(date) (city)

(If more than one complainant, only one need sign)

[Signature]
(Complainant)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(I) Executed on _____, at _____, California.
(date) (city)

(Signature and Title of Corporate Officer) _____

(J) FILE the original complaint plus 7 copies, plus 1 copy for each named defendant, with the Commission.

(K) MAIL TO: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

WARNING: Leaking or burning gas may cause cancer.
ELECTRIC & GAS RATE CHANGE - PRORATION REQUIRED
Ele CARE Savings 8.52
BILLING DAYS 29

Spc.# 6
PATZKE

Ele BL 339	03/03	12336	(B) GENERATION RELATED:DWR %	.35631		WATER		GAS BASELINE 49	
Zone 17	02/03	12084	Baseline:WNTR	90 X .08918	8.03	03/03		Zone Z1	03/03 1310
Prv Yr 208	-----		OvBase 1%-30%	0 X .08918	.00	02/03		Therm 0.942	02/03 1217
Schedule D-Care	kwh	252	OvBase 31%-100%	0 X .08918	.00	-----		Schedule GR	-----
Base Charge	29	X .0170	Over 100%	0 X .08918	.00	CuFt->	0	CuFt->	93
			DWR GENERATED :----->		8.03			Therms->	88
(A) DELIVERY RELATED CHARGES			Baseline:WNTR	162 X .01157	1.87	Prev Yr->	0	Prev Yr->	71
Baseline:WNTR	252	X .04866	OvBase 1%-30%	X .03801				CusChg 29 X.16438	4.77
OvBase 1%-30%	X	.04468	OvBase 31%-100%	X .06027		WATER CUST CHG->	3.00	49 th X.78488	38.46
OvBase31%-100%	X	.02841	Over 100%	X .08432		Tr1	X .50 .00	39 th X.96743	37.73
Over 100%	X	.01083	SCE GENERATED TOTALS----->		1.87	Billing Fee		PPP-Gas	X.03700 3.26
DWR Bond Chg	252	X .00444	State Tax	252 X .00030	.08			STRF	X.00199 .18
ENERGY CHARGE:----->		12.26	U.U.Tax					CPUC-IFee	.21
			Daily Rate Adj		-.30				

			ELECTRIC TOTAL->		22.43	WATER TOTAL->	3.00	GAS TOTAL->	84.61

VALLEY BREEZE M.H.PARK

SPC 6 PATZKE

APR 04

RNCT	1.50
TREE	
RV STRG	
MISC	
PARA	2.00
TRASH	9.05
SEWER	15.66
WATER	3.00
ELECTRIC	22.43
GAS	84.61
RENT	219.19

SUB TOT	357.44

TOTAL → 357.44

ELECTRIC & GAS RATE CHANGE - PRORATION REQUIRED
Ele CARE Savings 8.73 **BILLING DAYS 31**

Sp. # 6
PATZKE

Ele BL 363	02/03	12084	(B) GENERATION RELATED:DWR	1	.33277	WATER		GAS BASELINE 52	
Zone 17	01/03	11823	Baseline:WNTR	87	X .09757	02/03		Zone Z1	02/03 121
Prv Yr 213	-----		OvBase 1%-30%	0	X .09757	01/03		Therm 0.941	01/03 113
Schedule D-Care	kwh	261	OvBase 31%-100%	0	X .09757	-----		Schedule GR	-----
Base Charge	31	X .0230	Over 100%	0	X .09757	CuFt->	0	CuFt->	8
			DWR GENERATED	----->	8.49	Prev Yr->	0	Therms->	8
(A) DELIVERY RELATED CHARGES			Baseline:WNTR	174	X .01157			Prev Yr->	4
Baseline:WNTR	261	X .04858	OvBase 1%-30%		X .03801	WATER CUST CHG->	3.00	CusChg 31	X.16438 5.1
OvBase 1%-30%		X .04460	OvBase 31%-100%		X .06027	Trl	X .50 .00	52	th X.81876 42.5
OvBase 31%-100%		X .02833	Over 100%		X .08432	Billing Fee		29	th X1.0013 29.0
Over 100%		X .01074	SCE GENERATED TOTALS----->		2.01			PPP-Gas	X.03700 3.0
DWR Bond Chg	261	X .00444	State Tax	261	X .00020			STRF	X.00199 .1
ENERGY CHARGE:----->		12.68	U.U.Tax					CPUC-IFee	.2
			ELECTRIC TOTAL->		23.94	WATER TOTAL->	3.00	GAS TOTAL->	80.0

VALLEY BREEZE M.H.PARK

SPC 6 PATZKE

MAR 04

PLEASE CLEAN YOUR YARDS

RNCT	1.50
TREE	
RV STRG	
MISC	
PARA	2.00
TRASH	9.05
SEWER	15.66
WATER	3.00
ELECTRIC	23.94
GAS	80.09
RENT	219.19
SUB TOT	354.43

TOTAL → 354.43

GEN

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Fred A. Patzke and Josephine Patzke,

Complainants,

vs.

Valley Breeze Mobilehome Park,

Defendant.

C.04-04-030

(Filed April 26, 2004)

SAN FRANCISCO OFFICE

JUN 10 04

FILED

ANSWER TO COMPLAINT

VALLEY BREEZE

MOBILEHOME PARK

2121 Van Karajan Drive

Rancho Palos Verdes CA 90275

Telephone (310) 833 - 7968

Dated: May 26, 2004

DEFENDANT

California Public Utilities Commission
Att: Docket Office
505 Van Ness Avenue
San Francisco, CA., 94102

C.04-04-030

CASE No. 04-04-030

Dear Sirs:

This is in reply to your letter and materials sent re: Fred Patzke / Josephine Patzke, on May 6, 2004.

We have been the owners of Valley Breeze Mobile Homes Park for 44 years. Valley Breeze is a Seniors' Residential Park located in Yucaipa, California. From the onset, the Park had 100% Gas and Electric metering. In the early 70's we were approached by a group of tenants who knew of parks that were on a seasonal flat-rate billing system. It was brought to our attention that the Gas Company would come out and measure the square footage of each coach and apply a formula to arrive at a winter/summer flat rate.

We agreed to this in principle because it would offer protection to many of the tenants with fixed incomes. These tenants were experiencing "spiking" of their gas bills in the cold winter months.

During this period of time the plan took into account a winter rate (November through April) and a summer rate (May through October). The original plan covered basic monthly gas billings successfully. However, as add-on rooms and covered porches became the vogue, the Park has been losing significant monies during the winter months.

Management will install gas meters on request, if desired, by tenants on their site. To date, approximately 48% of the tenants have metered gas. The Park plans to eventually have all spaces on meters. Our billings are handled commercially, (See attached sample billing form), using the most current rates set by the Gas Company.

In the past, we have discussed service with the Gas Company and explored the idea of their assuming the responsibility of providing billing service. However due to the age of the Park the Gas Company was not interested.

Unlike Southern California Edison, who have a "structured program" for Low-Income tenants, the Gas Company does not. Although it says that it offers help to individuals who are qualified and who make application to the Gas Company for assistance. We have found it difficult to get any consistent or conclusive information on this program.

Up to this point in time, each tenant has always had the option to be on metered gas or the flat-rates. (See the enclosed billing comment). Mr. Patzke refers to "Weights and Measurements refusing to help and that they advised Management of their decision." Weights and Measurements has never advised us of any such issue or judgment." As far as we know from our experience, Weights and Measurements' sole responsibility is to test meters for accuracy of performance and the use of correct gas rates.

Mr. Patzke "insists it is up to Management. . . ." re: meters?, re: //. .to what exactly does he refer? We have contacted the Gas Company numerous times, (at least twice upon his past requests), and we have never received the same answers twice concerning his eligibility for Low-Income service. As far as we know, Low-Income service is not available to tenants of master-metered Parks. Tenants have been informed that the Gas Company has a program to help Low-Income tenants if they apply and pass the criteria for help.

In regard to the Commission Code 739.5 to which Mr. Patzke refers repeatedly, we have read that detailed excerpt and we comment thusly: (1) Re: any rebate received by the Park, it only has helped to allay losses incurred by Management on utility billings, and (2) Re: appropriate rates, we stated earlier that we bill according to the Gas Company formula, based on coach size and/or meter reading.

We hope that this narrative explains clearly our position on meters/flat-rate and subsequent billing.

Very sincerely,

Arthur Emerson
Mitchell Emerson

Arthur Emerson

Mitchell Emerson

May 26, '04

2003 * GAS COSTS and BILLING RECEIPTS

	<u>To Gas Co.</u>	<u>Billing Receipts</u>
JANUARY	\$3,282.91	\$3,423.91
FEBRUARY	3,644.57	3,988.04
MARCH	4,116.52	3,436.98
APRIL	6,999.02	3,992.91
MAY	2,551.44	3,902.10
JUNE	1,400.06	2,094.50
JULY	908.15	1,799.31
AUGUST	740.74	1,566.51
SEPTEMBER	824.59	1,423.72
OCTOBER	935.62	1,444.06
NOVEMBER	2,975.15	1,469.91
DECEMBER	<u>4,917.76</u>	<u>951.55</u>
	\$33,296.48	\$31,494.50

Paid to Gas Co. \$33,296.48

Receipts - 31,494.50

Loss to Mgt. \$ 1,809.98

Spc. # 12
VACANT

BILLING DAYS 30

Ele BL 351	04/02	20506	(B) GENERATION RELATED:DWR %	.31724	WATER	GAS BASELINE 51
Zone 17	03/03	20506	Baseline:WNTR	0 X .08918 .00	04/02	Zone Z1 04/02
Prv Yr 0	-----		OvBase 1%-30%	0 X .08918 .00	03/03	Therm 0.944 03/03
Schedule D	kwh	0	OvBase 31%-100%	0 X .08918 .00	-----	Schedule GR -----
Base Charge	30	X .066	Over 100%	0 X .08918 .00	CuFt->	0 CuFt-> 0
			DWR GENERATED ----->	.00		Therms-> 0
(A) DELIVERY RELATED CHARGES			Baseline:WNTR	0 X .01251 .00	Prev Yr->	0 Prev Yr-> 0
Baseline:WNTR	0	X .03354 .00	OvBase 1%-30%	X .03895		
OvBase 1%-30%	X	.07680	OvBase 31%-100%	X .06121	WATER CUST CHG->	CusChg 30 X.16438
OvBase31%-100%	X	.07680	Over 100%	X .08526	Tr1 X .50 .00	0 th X.75931 .00
Over 100%	X	.07680	SCE GENERATED TOTALS----->	.00	Billing Fee	th X.94186
DWR Bond Chg	0	X .00444 .00	State Tax	0 X .00030 .00		PPP-Gas X.03700 .00
ENERGY CHARGE:----->			U.U.Tax			STRF X.00199 .00
						CPUC-IFee

VALLEY BREEZE M.H. PARK

SPC 12 VACANT

MAY 04

~~RNCT~~

TREE

RV STRG

MISC

PARA

TRASH

SEWER

WATER

ELECTRIC

GAS

RENT

TO ALL TENANT'S WHO WANT GAS METERS PLEASE
SIGN-UP ON RENT DAY, 5/3/04

SUB TOT .00

Valley Computer Service

TOTAL →	.00
---------	-----

VALLEY COMPUTER SERVICE

VERIFICATION

[Rule 2.4]

We are co-owners of defendant, Valley Breeze Mobile Homes Park. We are authorized to make this Verification on its behalf. The Statements in the attached ANSWER TO COMPLAINT are true of our own knowledge, except as to matters which are therein stated upon information or belief; and as to those matters we believe them to be true.

We, and each of us, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 26, 2004 at Rancho Palos Verdes,
California.

X Arthur Emerson
(Signature of Declarant)

Print Name: ARTHUR EMERSON

X Mitchell Emerson
(Signature of Declarant)

MITCHELL EMERSON

Co-Owners Valley Breeze Mobile Homes Park

CERTIFICATE OF SERVICE

(Rule 2.3)

I hereby certify that on the date set forth below, I served a copy of:

PATZKE vs. VALLEY BREEZE MOBILEHOME PARK

(Write in Title of Document Served)

on all known parties to Proceeding Number

C.04-04-030

by mailing a properly addressed conformed copy by first-class mail, postage prepaid, to each party named in the attached Service List.

Executed on June 8,, 2004 at Ranchos Palos Verde, California.

x Arthur Emerson
(Signature of Declarant)

Arthur Emerson, Owner
(Print name and capacity, if applicable)

[THIS COMPLETED FORM MUST BE ATTACHED TO THE ORIGINAL AND
EACH COPY OF THE DOCUMENT SERVED -NO EXCEPTIONS - Rule 2.3]